IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 22660 of 2004

Between:

Syed Mehaboob Ali S/o.Mahaboob Ali
South Central Railoway Rly. Stn.Nandyal, Kurnool District.

..... PETITIONER

AND

1 Union of India, Rep. by General Manager
South Central Railway Secunderabad.
2 Secretary, Ministry of Railways Railway Board, New Delhi.
3 Divisional Railway Manager South Central Railway, Guntur.
4 Senior Divisional Personnel Officer South Central Railway, Guntur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of a writ of Mandamus by setting aside the orders passed by the Hon'ble Central Administrative Tribunal in O.A.No.124/04 dt.12.2.2004 as illegal, arbitrary improper and unconstitutional.

Counsel for the Petitioner: MR.A.SAMEER KUMAR

Counsel for the Respondents: MR.G.S.SANGHI

The Court made the following:

ORAL ORDER (PER GB,J.)

The Writ Petition is filed assailing the order, dated 12.2.2004 passed by the Central Administrative Tribunal in O.A.No.124 of 2004.

2. The petitioner who is presently working as Senior Section Engineer (Works), South Central Railway, filed the O.A. seeking to alter the Date of Birth from 9-12-1944 to 9-12-1946. The Tribunal after hearing the parties dismissed the said application by an order dated 12-2-2004. Against the said order the present Writ Petition has been filed.

3. Learned counsel for the petitioner submits that the order of the Tribunal is illegal and unsustainable in law, inasmuch as the Tribunal has not considered the matter in proper perspective.

4. We are afraid we cannot accept the contentions raised by the learned counsel. The Tribunal has considered the matter under Para No.3 of the order, which reads thus:

> "3. After going through the facts of the case and materials on record, I find that the only proof which the applicant has adduced with respect to his date of birth is the primary school certificate which should not be relied upon and even a copy of the representation contended to have been submitted to the authorities in 1983 is unauthenticated. As it is as per rule, he should have preferred his application for change of date of birth within five years from the date of entry into service which he joined in the year 1973. Therefore, the option for him was open up to 1978 to prefer a representation in the regard. The contention of the learned counsel for the applicant that he was not aware of the date of birth does not carry much conviction since he is an educated person and he should not wait till 7 days are left for retirement. The contention of the applicant for not preferring his representation within first five years of his entry into service does not carry conviction and therefore, I am not inclined to admit the case."

5. Under those circumstances, we do not find any infirmity in the order passed by the learned Tribunal.

6. Accordingly, the Writ Petition is dismissed. No costs.

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(G. BIKSHAPATHY, J.)

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(P.S. NARAYANA, J.)

Date: 08-12-2004

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To

1. The General Manager, Union of India,
   South Central Railway Secunderabad.
2. The Secretary, Ministry of Railways Railway Board, New Delhi.
3. The Divisional Railway Manager, South Central Railway, Guntur.
4. The Senior Divisional Personnel Officer, South Central Railway, Guntur.

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